IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER NO. 273 OF 2007.

Sanjay Mohanlal Mehta. ... Appellant.
Versus.
B.P.T.Kamgar Sahakar Grahak Mandal Ltd. and anr. ... Respondents.

Shri Rahul S.Thakur for the Appellant.

Shri U.J.Makhija i/by M/s.Motiwalla & Co. for the Respondent No.2.

CORAM : ABHAY S.OKA, J.

DATED : 4th May, 2007.

P.C.:

1. Admit. The Advocate on record for the 2nd Respondent waives service. As the appeal is against an order refusing to grant ad-interim relief, it is immediately taken up for final hearing.

2. Heard the learned Advocates appearing for the parties. On the last two dates time was granted to the 2nd Respondent to take instructions.

3. As of today, the Appellant is in possession of the suit premises. The electricity supply provided by the 2nd Respondent to the suit premises has been disconnected. Without prejudice to the rights and contentions of both the parties, by way of an ad-interim relief, the electricity supply deserves to be restored in favour of the Applicant. However, the Applicant will have to pay the requisite charges to the 2nd Respondent

which will be accepted by the 2nd Respondent without prejudice to its rights and contentions.

4. Hence pending the disposal of the Notice of Motion, there will be an ad-interim relief in terms of prayer clause (e) of Civil Application No.395 of 2007 against the 2nd Respondent subject to condition of the Applicant paying necessary charges to the 2nd Respondent.

5. The pending Notice of Motion shall be disposed of by the trial Court on or before 30th June 2007. The ad-interim relief granted by this order will operate only till disposal of the Notice of Motion.

6. The trial Court will decide the pending Notice of Motion without being influenced by grant of ad-interim relief by this Court. The order will be acted upon by the 2nd Respondent within a period of two weeks from today.

7. Appeal is disposed of in the above terms with no order as to costs.

Judge.